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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,588	05/11/2007	Stefan Prebeck	ZAHFRI P886US	8495
20210 7590 12/28/2009 DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301				
EXAMINER				
PIPALA, EDWARD J				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
12/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,588

Applicant(s)

PREBECK ET AL.

Examiner

EDWARD PIPALA

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment and remarks of 8/24/09.
The previous rejection under 35 U.S.C. 112 2nd has been withdrawn.
Claims 6-14 are presently pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the traveling power takeoff, detection of vehicle wheel speed and PTO speeds, all of the method steps claimed, and block diagram of the electronic system for maintaining the optimal speed of rotation ratio must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. **The objection to the drawings will not be held in abeyance.**

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Hrazdera (US 6,942,595) supplied by Applicant in the IDS of 8/24/06, in view of Applicant's admitted prior art that use of a power take-off (PTO) drive is known in cases of driving a trucking (traveling) vehicle.

Hrazdera discloses a control system for the drive of a power take-off mechanism on an agricultural tractor that records machine-specific values of the implement attached to the tractor, where the drive train between the tractor engine and the power take-off includes a CVT transmission, and column 4, lines 33-37 thereof further teach that it is possible to run the PTO with the CVT as a ground speed PTO in which its speed is directly aligned with the traveling speed of the agricultural vehicle, and that a conventional transmission may be used in place of the CVT (which would then provide Applicant's recited speed stages and shifting from a higher to a lower, and vice versa). Hrazdera also teaches that the control device is connected with a processor via a signal lead for receiving its output signals, and that the control device is connected for the formation of output signals via input leads, controls, sensors, and actuators for the tractor to read the machine specific parameters of the attached implement, for adjusting any of the motor speed, clutch slip and/or power takeoff stage (gear ratio of the transmission).

However, Hrazdera is primarily directed to the use of a power takeoff with respect to a hydraulic lift, whereas Applicant has already admitted in the background of the invention that it is know to one of ordinary skill in the art to make use of a power takeoff drive with a trucking vehicle. Therefore, it would have been obvious to implement the teachings of Hrazdera with respect to control of a power takeoff speed ratio with respect to traveling speed of a vehicle at least because the speeds of driven wheels of a vehicle must normally be the same in a rigid or semi-rigid vehicle absent minor variations for turning radius and attitude control such as ABS and stability control.

Response to Arguments

4. Applicant's arguments with respect to claims 6-14 have been considered but are moot in view of the new ground(s) of rejection based on prior art under 35 U.S.C. 103(a).

Additionally, Applicant's drawing figure is objected to as being insufficient with respect to showing the claimed subject matter.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD PIPALA whose telephone number is (571) 272-1360. The examiner can normally be reached on M-F 9:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.